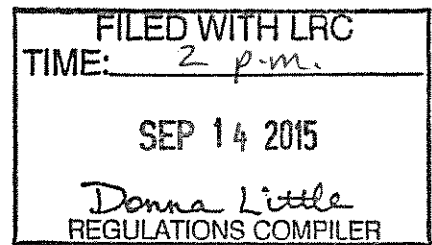


## **301 KAR 1:161**

### **Repeal of 301 KAR 1:160**

This administrative regulation repeals 301 KAR 1:160, Stocking procedures for private waters, due to the termination of the farm pond stocking program.



1 TOURISM, ARTS AND HERITAGE CABINET  
2 Kentucky Department of Fish and Wildlife Resources  
3 (Repealer)  
4 301 KAR 1:161. Repeal of 301 KAR 1:160.  
5 RELATES TO: KRS 150.010  
6 STATUTORY AUTHORITY: KRS 150.025  
7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to  
8 make administrative regulations regarding game and fish, to make administrative regulations  
9 apply to a limited area or to the entire state, and to promulgate any other administrative  
10 regulations necessary to implement or carry out the provisions of KRS Chapter 150. The  
11 department is repealing 301 KAR 1:160, Stocking procedures for private waters, due to the  
12 termination of the farm pond stocking program, which will reallocate department funds and  
13 resources to other initiatives and priorities.  
14 Section 1. 301 KAR 1:160, Stocking procedures for private waters, is hereby repealed.

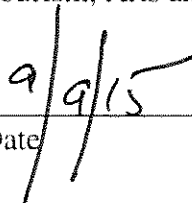
Approved by the Fish and Wildlife Commission



\_\_\_\_\_  
Gregory K. Johnson, Commissioner  
Department of Fish and Wildlife Resources



\_\_\_\_\_  
Robert H. Stewart, Secretary  
Tourism, Arts and Heritage Cabinet



\_\_\_\_\_  
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2015, at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by close of business November 2, 2015.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack  
Kentucky Department of Fish and Wildlife Resources  
1 Sportsman's Lane  
Frankfort, Kentucky 40601  
(502) 564-7109, Ext. 4507 FAX (502) 564-9136  
Email: [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

## **REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

301 KAR 1:161. Repeal of 301 KAR 1:160.

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 301 KAR 1:160, Stocking procedures for private waters, due to the termination of the farm pond stocking program.

(b) The necessity of this administrative regulation: Reallocation of department funds and resources to other initiatives and priorities necessitates that the farm pond stocking program be terminated. Termination of the stocking program will allow the department to expand the Fishing in Neighborhoods (FINS) program by 5 lakes. This program provides fishing opportunities close to cities of all sizes throughout the state. In addition, the FINS program is 100 percent federally funded which will allow sportsmen's dollars to be reallocated to expansion of the fish habitat program. This program will improve large reservoir fish populations and fishing opportunities across the state.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to make administrative regulations regarding game and fish, to make administrative regulations apply to a limited area or to the entire state, and to promulgate any other administrative regulations necessary to implement or carry out the provisions of KRS Chapter 150.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the administration of the statutes by authorizing the department to terminate the farm pond stocking program and reallocate funds and resources towards other critical programs which will increase fishing opportunities to Kentucky anglers.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations or state and local governments affected by this administrative regulation: Private farm pond owners who wish to stock their renovated or new ponds with department-reared fish will be affected by this administrative regulation. Reallocation of funds and resources will also positively impact anglers across the state through an increase in FINS lakes and reservoir habitat.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take

to comply with this administrative regulation or amendment: Private farm pond owners wishing to stock their new or renovated ponds will now have to contact commercial fish producers to obtain their fish.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Fish costs from commercial producers will be variable based on the size and species of fish. There will be a slight increase in cost to the private farm pond owner when compared to the cost of the department's farm pond stocking program.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Private farm pond owners will now have the option to obtain larger fish and different species than were available through the farm pond stocking program. In addition, through reallocation of funds and resources, anglers across the state will have increased fishing opportunities through an increase in FINS lakes and reservoir habitat.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation change will result in no initial change in cost.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment. It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied because all private farm pond owners were treated the same.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 1:161

Contact Person: Rose Mack

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Division of Fisheries will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025 authorizes the department to make administrative regulations regarding game and fish, to make administrative regulations apply to a limited area or to the entire state, and to promulgate any other administrative regulations necessary to implement or carry out the provisions of KRS Chapter 150.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: